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CLERK OF COURT
CENTRAL DISTRICT
OF CALIFORNIA
am

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

v.

ILIA CRISTINA KOBEH,

Defendant.

NO. CV 12-10348-UA (DUTYx)

**ORDER SUMMARILY
REMANDING IMPROPERLY
REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On December 4, 2012, Defendant, having been sued in an unlawful detainer action in California state court, lodged a Notice of Removal ("Notice") of that action to this Court and also filed a request to proceed *in forma pauperis*. The Court has denied the latter request under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place in that the complaint does not competently allege facts supporting jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); see *Exxon*

1 *Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L.
2 Ed. 2d 502 (2005). Defendant alleges that "Defendants' demurrer, a pleading
3 depend on the determination of Defendants' rights and Plaintiff's duties under
4 federal law." (Notice at 2.) However, Plaintiff does not allege any federal cause
5 of action. (See *id.*, Ex. A, Complaint.) Nor does it appear that federal law is a
6 necessary element of Plaintiff's claim. Thus, Defendant has not alleged facts
7 establishing the existence of a federal question on the face of the complaint.

8 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
9 Superior Court of California, Los Angeles County, Chatsworth Courthouse, 9425
10 Penfield Avenue, Chatsworth, CA 91311 for lack of subject matter jurisdiction
11 pursuant to 28 U.S.C. § 1447(c); and (2) the Clerk send a certified copy of this
12 Order to the state court.

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14
15 DATED: 1/11/13



GEORGE H. KING
United States District Judge